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37 C.F.R. 1.8

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August 9, 2004  
Date

Steven L. Highlander  
Signature

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Michael BRISTOW et al.

Serial No.: 09/558,472

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF  
MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: T.Ton

Atty. Dkt. No.: MYOG:004USD1/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Mail Stop Appeal Brief-Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-01450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed March 19, 2004, finally rejecting claim 23.

The fee for filing this Notice of Appeal is \$165.00 and is attached hereto.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R.

§§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an

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